

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

LE'BON B. WALKER	:
Petitioner	:
v.	CIVIL ACTION NO. PJM-06-937
FRANK C. SIZER, JR., et al.	:
Respondents	:

ORDER

On December 20, 2006, this Court denied and dismissed Le'Bon B. Walker's counseled Petition for Writ of Habeas Corpus. Paper Nos. 20 and 21. A timely Motion to Alter or Amend Judgment was denied on March 15, 2007. Paper Nos. 25 and 26.

On June 14, 2007, Petitioner filed a Motion to Redate the March 14, 2007, denial of the Motion to Alter or Amend Judgment to reflect a decision date of June 14, 2007. Paper No. 27. Counsel sets forth the following chronology of events:

1. Counsel did not receive a copy of the March 14, 2007, Memorandum Opinion and Order denying the Motion to Alter or Amend Judgment via mail;
2. Counsel learned of the March 14, 2007, decision only after writing the Court on May 3, 2007,¹ requesting the Court to rule on the Motion to Alter or Amend, and receiving a faxed copy of the decision on May 8, 2007; and
3. Counsel intended to immediately file the instant motion seeking to have the March 14, 2007, Memorandum Opinion and Order redated, but inadvertently neglected to do so until now.²

On June 26, 2007, the Motion was denied. Paper No. 28. Petitioner now seeks reconsideration from that denial, providing copies of all office e-mails received during the period in question as

¹ See Paper No. 27, Exhibit A.

² Counsel was preparing for a two-week double homicide trial, *State of Maryland v. James Logan*, which was completed in Prince George's County Circuit Court on June 14, 2007.

proof that counsel did not receive a copy of the Court's March 14, 2007, Memorandum Opinion and Order. Paper No. 29.

Counsel did not receive a copy of any pleadings in this case via mail. A search of the Clerk's electronic docketing system reveals that notification of the Memorandum Opinion and Order "bounced back" because counsel's e-mail box was full. Fault lies with counsel, and not the Court. Reconsideration is therefore denied.

Accordingly, it is this 11th day of July, 2007, by the United States District Court for the District of Maryland, hereby ORDERED that:

1. Petitioner's Motion for Reconsideration (Paper No. 29) IS DENIED; and
2. The Clerk SHALL PROVIDE a copy of this Order VIA MAIL to Attorney Gary Bair, Bennett and Bair LLP, 6301 Ivy Lane, Suite 418, Greenbelt, Maryland 20070, and SHALL ALSO PROVIDE a copy of this Order to Mr. Bair at gebair@bennettbair.com.³

/s/
PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

³ The Court notes with regret the recent death of Fred Warren Bennett, lead counsel in this case. Court personnel have contacted Mr. Bennett's law firm partner, Gary Bair, to inform him that he shall be provided a copy of this order on behalf of his firm's client.